

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 300

AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-2-6.1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. As used in section 7 of this chapter, "bodily injury" means:**

- (1) an impairment of a physical condition;**
- (2) a visible injury;**
- (3) physical pain; or**
- (4) emotional trauma that stems directly from the impairment of a physical condition, a visible injury, or physical pain.**

SECTION 2. IC 5-2-6.1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. As used in this chapter, "emergency shelter care" means housing in a facility having the primary purpose of providing temporary or transitional shelter for the homeless or for a specific population of the homeless.**

SECTION 3. IC 5-2-6.1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5.5. As used in this chapter, "motor vehicle" has the meaning set forth in IC 7.1-1-3-26.3.**

SECTION 4. IC 5-2-6.1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. A claimant's:**

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(1) **personal information (as defined in IC 9-14-3.5-5); and**  
 (2) **medical records;**  
**are confidential.**

SECTION 5. IC 5-2-6.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Subject to subsection (b) **and except as provided in subsection (c),** benefits may not be awarded:

- (1) if the victim sustained the injury as a result of participating or assisting in, or attempting to commit or committing a criminal act;  
 or
- (2) if the injury occurred while the victim was a resident in a county, city, or federal jail or prison or in an institution operated by the department of correction;
- (3) if the victim profited or would have profited from the criminal act; or**
- (4) if, at the time the injury occurred, the victim was intoxicated and contributed to the commission of an unrelated felony.**

(b) If the victim is a dependent child or dependent parent of the person who commits a violent crime, compensation may be awarded where justice requires.

**(c) Benefits may be awarded to a person described in subsection (a)(4) who is the victim of a sex crime under IC 35-42-4, a crime of family violence (as defined in IC 35-41-1-6.5), or a crime of domestic violence (as defined in IC 35-41-1-6.3).**

SECTION 6. IC 5-2-6.1-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13.5. The division may not award a benefit to more than one (1) claimant per victim.**

SECTION 7. IC 5-2-6.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Benefits may not be awarded to a ~~victim claimant~~ under section 12(1), 12(2), 12(3), 12(4), or 15 of this chapter if the victim **or claimant** had a net worth of greater than two hundred thousand dollars (\$200,000) at the time of suffering bodily injury.

(b) Benefits may not be awarded to a ~~person claimant~~ under section 12(5), 12(6), 12(7), or 12(8) of this chapter if the ~~person victim or claimant~~ had a net worth of greater than two hundred thousand dollars (\$200,000) at the time of suffering bodily injury.

SECTION 8. IC 5-2-6.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. **(a)** If an unmarried victim of a violent crime dies as a result of the crime, the division ~~shall~~

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may pay the reasonable expenses incurred for funeral, burial, or cremation.

**(b) The division shall adopt guidelines to determine when the payment of expenses under subsection (a) is appropriate. In adopting guidelines under this subsection, the division shall consider the availability of other sources of compensation, including township assistance and federal programs.**

SECTION 9. IC 5-2-6.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) The application must be ~~filed~~ **received by the division** not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, **the division may not accept** an application ~~may not be filed~~ **that is received** more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, **through the division's web site**, or by **first class or** certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance with this chapter. **Upon receipt of a complete application**, the division shall promptly begin the investigation and processing of an application.

SECTION 10. IC 5-2-6.1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) The division may not award compensation under this chapter unless the violent crime was reported to a law enforcement officer not more than forty-eight (48) hours after the occurrence of the crime.

**(b) The division may not award compensation under this chapter until:**

- (1) law enforcement and other records concerning the circumstances of the crime are available; and**
- (2) any criminal investigation directly related to the crime has been substantially completed.**

**(c) If the crime involved a motor vehicle, the division may not award compensation under this chapter until an information or indictment alleging the commission of a crime has been filed by a prosecuting attorney.**

SECTION 11. IC 5-2-6.1-21 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) **This section applies to claims filed with the division after December 31, 2005.**

**(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.** As used in this chapter, "out-of-pocket loss" means ~~expense~~ or indebtedness reasonably incurred for medical care or other services resulting from the bodily injury or death upon which the application is based **an amount equal to the amount of reimbursement payable under IC 27-8-10-3 for each of the types of services and items provided to the victim as a result of the bodily injury or death upon which the application is based.**

~~(b)~~ **(c)** An award may not be made unless the claimant has incurred an out-of-pocket loss of at least one hundred dollars (\$100).

~~(c)~~ **(d)** Subject to ~~subsection~~ **subsections (b) and (c)**, the division may order the payment of compensation under this chapter for any of the following:

(1) Reasonable expenses incurred for necessary medical, chiropractic, hospital, dental, psychological, optometric, psychiatric, and ambulance services and prescription drugs and prosthetic devices **that do not exceed the claimant's out-of-pocket loss.**

(2) Loss of income the:

**(A)** victim would have earned had the victim not died or been injured, **if the victim was employed at the time of the crime;**  
**or**

**(B)** parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off work to care for the victim.

**A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.**

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.

(4) Reasonable expense incurred for child care, not to exceed one thousand dollars (\$1,000), to replace child care the victim would have supplied had the victim not died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

~~(6) Reasonable~~ **Documented** expenses incurred for funeral, burial, or cremation **of the victim that do not exceed four**

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**thousand dollars (\$4,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.**

(7) Other actual expenses resulting from the bodily injury or death of the victim, including costs of mental health care, not to exceed ~~one~~ **two** thousand dollars (~~\$1,000~~), **(\$2,000)** for the immediate family of a homicide or sex crime victim, and any other actual expenses that the division determines reasonable.

**(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.**

**(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.**

SECTION 12. IC 5-2-6.1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the victim.

(b) The state may:

- (1) recover the amount under subsection (a) in a separate action; or
- (2) intervene in an action brought by or on behalf of the victim.

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit, including attorney's fees of **not more than fifteen percent (15%)**.

SECTION 13. IC 5-2-6.1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. (a) Not more than ten (10) days after the hearing, the hearing officer shall issue a written ~~determination~~ **decision** supported by findings of fact and conclusions of law based on the record from the hearing, the investigation, and the application of the claimant.

(b) Copies of the determination shall be mailed to the claimant at the address given in the application and to the attorney general.

SECTION 14. IC 5-2-6.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

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- (1) Benefits from public or private pension programs, including Social Security benefits.
- (2) Benefits from proceeds of ~~an insurance policies~~ **policy**.
- (3) Benefits under IC 22-3-2 through IC 22-3-6.
- (4) Unemployment compensation benefits.
- (5) Benefits from other public funds, **including Medicaid and Medicare**.

Compensation must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

- (1) The amount of court ordered restitution actually received by the victim from the offender.
- (2) Benefits actually received by the victim from a third party on behalf of the offender.

(c) The division shall determine whether the victim vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the victim through the collateral source.

**(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.**

SECTION 15. IC 5-2-6.1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim contributed to the infliction of the victim's injury or death.

(b) If the division finds that the victim ~~did contribute~~ **contributed** to the infliction of the victim's injury or death, the division may deny an award. ~~in whole or in part depending upon the extent of the victim's contributory conduct.~~

(c) If the division further finds that the victim's contributory conduct was solely attributable to an effort to:

- (1) prevent a crime from occurring in the victim's presence; or
- (2) apprehend a person who committed a crime in the victim's presence;

the victim's contributory conduct does not render the victim ineligible

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for compensation.

SECTION 16. IC 5-2-6.1-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) An award to a claimant under this chapter:

- (1) may not exceed fifteen thousand dollars (\$15,000); and
- (2) may not cover the first one hundred dollars (\$100) of the claim.

(b) The part of an award covering an unpaid bill shall be made payable jointly to the claimant and to the creditor on that bill: **to the service provider.**

SECTION 17. IC 5-2-6.1-37.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 37.5. An attorney who represents a victim at a hearing conducted by the division related to a claim under this chapter may not:**

- (1) charge a claimant a contingency fee for the representation that exceeds ten percent (10%) of the value of the award; or**
- (2) receive a direct payment from the division.**

SECTION 18. IC 5-2-6.1-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. (a) When a hospital acting under IC 16-21-8 provides ~~emergency services~~ **a forensic medical exam** to an alleged sex crime victim, the hospital shall furnish the ~~services~~ **forensic medical exam described in IC 16-21-8-6** without charge. The victim services division of the Indiana criminal justice institute shall reimburse a hospital for its costs in providing ~~the~~ **these** services and shall adopt rules and procedures to provide for **reasonable** reimbursement. A hospital may not charge the victim for services required under this chapter, despite delays in reimbursement from the victim services division of the Indiana criminal justice institute.

(b) **When a hospital acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the hospital shall furnish the additional forensic services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a hospital for its costs in providing these services and may adopt rules and procedures to provide for reasonable reimbursement. A hospital may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.**

(c) **When a hospital acting under IC 16-21-8 provides additional**

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forensic services to an alleged sex crime victim who does not cooperate with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the hospital may seek reimbursement directly from the victim or any third party payer for any additional forensic services rendered by the hospital.

(d) Costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3), if the examination is performed for the purposes of gathering evidence for possible prosecution, may not be charged to the victim of the crime. The costs shall be treated as local costs and charged to the appropriate local governmental agency as follows:

- (1) If the treatment or services are provided at a county or city hospital, or hospital district facility, the county shall pay the expenses.
- (2) If the treatment or services are provided at a private hospital, the expenses are paid by the county in whose jurisdiction the alleged crime was committed.

~~(c)~~ (e) When a licensed medical service provider not covered by subsection (a) or (b) elects to provide ~~emergency services~~ **a forensic medical exam** to an alleged victim of one (1) or more of the sex crimes listed in IC 16-21-8-1(b), the medical service provider shall furnish the ~~services exam~~ **exam** without charge. The victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing ~~the services listed in subsection (d)~~ **forensic medical exams**. A medical service provider may not charge the victim for a forensic medical exam required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.

(f) When a licensed medical service provider not covered by subsection (a) or (b) elects to provide additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical service provider shall furnish the services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing the additional forensic services. A medical service provider may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.

(g) When a medical service provider acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim

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who does not cooperate with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical service provider may seek reimbursement directly from the victim or any third party payer for additional forensic services rendered by the medical service provider.

(h) The victim services division of the Indiana criminal justice institute may reimburse a medical service provider for costs in providing additional forensic services if the following conditions are met:

- (1) If the victim or claimant has:
  - ~~(A)~~ is at least eighteen (18) years of age:
  - (A) the sex crime must be reported ~~the sex crime~~ to a law enforcement officer within ~~forty-eight (48)~~ ninety-six (96) hours after the crime occurred; and
  - (B) ~~has cooperated fully~~ the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime. ~~or~~
- (2) If the victim services division of the Indiana criminal justice institute finds a compelling reason for failure of the victim or claimant to report to or cooperate with law enforcement officials: is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision solely because the victim reported the sex crime more than ninety-six (96) hours after the crime's occurrence.

If the division finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the division may suspend the requirements of this section.

(d) If the requirements of subsection (c) are met, the victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing the following services:

- (1) Appropriate medical care;
- (2) Appropriate procedures for acquiring adequate evidence that may be used in a criminal proceeding against a person accused of the sex crime;
- (3) Records of the results of examinations and tests made by the hospital;
- (4) Appropriate counseling for the victim.

A medical service provider may not charge the victim for services because the victim services division of the Indiana criminal justice institute delays in reimbursing the provider.

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(e) (i) Costs incurred by a licensed medical service provider for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3) may not be charged to the victim of the crime if the examination is performed for the purposes of gathering evidence for possible prosecution. The costs are local costs to be paid by the county in which the alleged crime was committed.

SECTION 19. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists of amounts deposited under IC 33-37-7-9, **IC 34-51-3-6**, and IC 35-50-5-3 and appropriations from the general assembly.

SECTION 20. IC 16-18-2-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.8. "Additional forensic services", for purposes of IC 16-21-8, means the following:**

- (1) Initial pregnancy and sexually transmitted disease testing related to an alleged sex crime.**
- (2) Prophylactic medication related to pregnancy, pregnancy testing, or sexually transmitted disease testing. However, this subdivision does not include HIV prophylactic medication that may be paid at the discretion of the victim services division of the Indiana criminal justice institute.**
- (3) Alcohol and drug testing.**
- (4) Syphilis testing up to ninety (90) days after an alleged sex crime.**
- (5) Pregnancy testing up to thirty (30) days after an alleged sex crime.**
- (6) Mental health counseling concerning problems directly related to an alleged sex crime.**

SECTION 21. IC 16-18-2-139.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 139.5. "Forensic medical exam", for purposes of IC 16-21-8, means the following:**

- (1) Appropriate procedures for acquiring evidence that may be used in a criminal proceeding against a person charged with a sex crime.**
- (2) Suturing and care of wounds that stem directly from the sex crime, including anesthesia and prescribed medication.**

SECTION 22. IC 16-21-8-0.6, AS ADDED BY P.L.90-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides **emergency**

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**forensic medical exams and additional forensic** services to a victim.

SECTION 23. IC 16-21-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide ~~emergency hospital service~~ **forensic medical exams and additional forensic services**, in accordance with rules adopted by the victim services division of the Indiana criminal justice institute, to all alleged sex crime victims who apply for ~~hospital~~ **emergency forensic medical exams and additional forensic** services in relation to injuries or trauma resulting from the alleged sex crime.

(b) For the purposes of this chapter, the following crimes are considered sex crimes:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Vicarious sexual gratification (IC 35-42-4-5).
- (5) Sexual battery (IC 35-42-4-8).
- (6) Sexual misconduct with a minor (IC 35-42-4-9).

SECTION 24. IC 16-21-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Community or areawide plans may be developed by the hospitals.

(b) A hospital may participate with at least one (1) other hospital in a community or an areawide plan to furnish ~~hospital emergency~~ **forensic medical exams and additional forensic** services to alleged sex crime victims. A hospital participating in the plan must furnish the ~~hospital emergency forensic medical exams and additional forensic~~ services that the plan designates to an alleged sex crime victim who applies for ~~hospital emergency forensic medical exams and additional forensic~~ services for injuries or trauma resulting from the alleged sex crime.

SECTION 25. IC 16-21-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A hospital ~~providing emergency hospital~~ **that provides forensic medical exams and additional forensic** services **shall provide the forensic medical exams and additional forensic services** to an alleged sex crime victim under this chapter ~~shall provide the following~~ with the consent of the alleged sex crime victim and as ordered by the attending physician.

- (1) ~~Appropriate medical care.~~
- (2) ~~Appropriate procedures for acquiring adequate evidence that may be used in a criminal proceeding against a person accused of the sex crime.~~
- (3) ~~Records of the results of examinations and tests made by the~~

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~~hospital.~~

~~(4) Appropriate counseling for the victim.~~

SECTION 26. IC 16-21-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The victim services division of the Indiana criminal justice institute shall assist in the development and operation of programs that provide ~~emergency~~ **forensic medical exams and additional forensic** services to alleged sex crime victims, and if necessary, provide grants to hospitals for this purpose.

SECTION 27. IC 16-21-8-5, AS AMENDED BY P.L.90-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) **The division shall award compensation or reimbursement under this chapter for forensic medical exams.**

(b) The division ~~may not~~ **shall** award compensation or reimbursement under this chapter ~~unless~~ **for additional forensic services** if the following conditions are met:

(1) If the victim is at least eighteen (18) years of age:

(A) the sex crime must be reported to a law enforcement officer within ninety-six (96) hours after the crime's occurrence; and

(B) the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

~~(b)~~ (c) If the division finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the division may suspend the requirements of this section.

~~(c)~~ (d) A claim filed for services provided at a time before the provision of the ~~emergency~~ **forensic medical exams and additional forensic** services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 28. IC 16-21-8-6, AS AMENDED BY P.L.90-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) When a provider provides ~~emergency~~ **services forensic medical exams and additional forensic services** under this chapter to a victim, the provider shall furnish the services without charge.

(b) **When a provider provides additional forensic services under**

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**section 5(b) and 5(c) of this chapter, the provider shall furnish the services without charge.**

(c) The division shall reimburse a provider for the cost for providing services and shall adopt rules and procedures to provide for reimbursement.

(d) The application for reimbursement must be filed not more than one hundred eighty (180) days after the date the service was provided.

(e) The division shall approve **or deny** an application for reimbursement filed under subsection (b) not more than one hundred twenty (120) days after receipt of the application for reimbursement.

(f) A provider may not charge the victim for services required under this chapter despite delays in reimbursement from the division.

SECTION 29. IC 35-41-1-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. "Crime of domestic violence," for purposes of IC 3-7-13-5, **IC 5-2-6.1**, and IC 33-28-4-8, means an offense or the attempt to commit an offense that:

- (1) has as an element the:
  - (A) use of physical force; or
  - (B) threatened use of a deadly weapon; and
- (2) is committed against a:
  - (A) current or former spouse, parent, or guardian of the defendant;
  - (B) person with whom the defendant shared a child in common;
  - (C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or
  - (D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

SECTION 30. IC 5-2-6.1-37 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 31. **An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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